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LETTER DATED 3 FEBRUARY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ROMANIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my letter of 30 January 1993 (S/25227), and with reference to the statement of the President of the Security Council delivered to the media on 28 January 1993 (S/25190), I have the honour to transmit herewith the text of the aide-mémoire on the actions and concrete measures taken by the Government of Romania for observing the embargo against Yugoslavia and the needs for assistance to Romania in this respect.

As stated in my previous letter, as well as in the aide-mémoire, I would like to use this opportunity to reiterate, once again, the appeal of the Government of Romania for an increased international presence for monitoring the observance of the sanctions regime in order actively to support the Romanian authorities in the implementation of the embargo. Mindful of the fact that it is for the first time that Romania is confronted with such a complex and difficult situation, and owing to the fact that Romania does not possess adequate means commensurate with the prevailing circumstances, international assistance would be of utmost importance.

In this context, may I also submit to the attention of the Security Council and its member States the proposal made in the attached aide-mémoire concerning, inter alia, the importance of a United Nations presence in the Romanian-Ukrainian contact zone on the Danube.

I would be grateful if you would circulate this letter as a document of the Security Council.

(Signed) Valeriu FLOREAN
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Annex

Aide-mémoire dated 30 January 1993 on the actions and concrete steps taken by the Government of Romania for observing the embargo against Yugoslavia and the needs for assistance to Romania in this respect

## I. LEGAL MEASURES TAKEN BY THE GOVERNMENT OF ROMANIA

1. After the adoption, on 30 May 1992, of United Nations Security Council resolution 757 (1992), setting up the total and complete embargo against Yugoslavia, on 3 June 1992, the Government of Romania issued a declaration which expressed its determination to comply with the embargo. At the same time, it was pointed out that, owing to the serious consequences affecting the national economy, the Government of Romania reserved its right to claim compensations, in accordance with Article 50 of the Charter of the United Nations. A memorandum indicating the value of the direct and indirect losses of Romania in 1992, as a result of observing the embargo, was submitted on 29 January 1993 to the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia.

2. In compliance with the Government's decision, all the Ministers involved issued orders regarding the observance of the embargo, in their respective sector and, in this sense, precise instructions were given (the Ministry of Trade, the Ministry of Industry, the Ministry of Finance, the General Customs Directorate, the Ministry of Agriculture, the Ministry of Transport and the Ministry of the Interior). At the governmental level, a task force was set up, consisting of representatives from all the ministries involved.

3. On 20 June 1992, the Government of Romania submitted to the Security Council a memorandum (S/24142) on the measures taken with regard to the provisions of resolution 757 (1992), and on 15 July 1992, an addendum (S/24142/Add.1), which detailed the actions subsequently taken. At the same time, the Government manifested its readiness to accept international experts to assist the Romanian authorities.

4. On 20 August 1992, the Government of Romania passed further detailed instructions in order to strengthen the measures taken for complying with the embargo, to consolidate the structures set up previously and to ensure the strict surveillance of international traffic on the Danube, in cooperation with the neighbouring riparian countries.

5. On 18 November 1992 and in accordance with Security Council resolution 787 (1992) adopted on 16 November 1992, the Government of Romania established adequate measures and obligations incumbent on the Romanian institutions and issued decision No. 771, dated 18 November 1992.

## II. PRACTICAL ACTIONS AND MEASURES

6. On this basis, steps were taken in order to stop the ships carrying cargo to or from Yugoslavia, to ban operating the cargo coming from or going to Yugoslavia and to prevent the transfer of funds or any commercial activity involving legal bodies or citizens from Yugoslavia. Consequently, 4,588 ships and 4,223 vehicles for land transport were subject to customs inspections.

7. During this time, in the harbour of Galati there arrived ships displaying several flags, mostly Ukrainian and carrying, without the Security Council Sanctions Committee's approval, cargo that was banned by resolution 787 (1992). The Romanian authorities prohibited the transshipment of these ships along the Romanian sector of the Danube (Galati-Orsova) and either sent them back or retained them in the Romanian harbours.

8. Owing to the great number of ships to be found in the Galati harbour roadstead, the latter became extremely crowded, thus making the necessary manoeuvres impossible and hindering radio communications. Consequently, there was the danger of fire outbreaks and of pollution with catastrophic consequences and great difficulties for the river traffic. The Romanian authorities have made every effort in order to regulate this dangerous situation. The Security Council Sanctions Committee has given its agreement so that all empty Yugoslav barges be permitted to transit route along the Romanian sector of the Danube. Loaded Yugoslav barges were taken to a shelter-zone near the Braila harbour.

9. Between November and December 1992, in the Galati harbour, there were detained five ships under the Yugoslav flag - Velebit, Orasac, Kumanovo, Bihac and Kaimakalan - with 40 barges loaded in Ukrainian harbours with oil-refined products. The alleged final destination was the Bulgarian harbour of Vidin but, on inspection, there were no documents to prove this.

## III. VIOLATIONS OF THE EMBARGO BY YUGOSLAV SHIPS AND MEASURES TAKEN BY ROMANIAN AUTHORITIES

10. The Yugoslav tugboat Bihac availed itself of permission given to return to its loading harbour (at Reni, in the Ukraine) and, on 14 January 1993, requested permission to leave, in order to protect the Yugoslav barges stationed in the Ukrainian harbour during winter. On 19 January 1993, the above-mentioned tugboat returned to the Galati roadstead with a convoy of four barges, loaded with oil-products, but refused to submit to the Harbour Master's Office and continued its route. At short intervals, the other Yugoslav ships, moored at Braila under orders from the Romanian authorities, forcibly broke through and left with Bihac in the lead.

11. All along the Romanian sector of the Danube, the Romanian authorities - the Harbour Master's Offices, the border and custom officers - tried to establish direct contact with the ships but, as a consequence of the latter's refusal, constraints had to be exercised and all available means had to be

used in order to stop the ships. In this context, two border vessels (a motor gun-boat and a border patrol boat) together with the Harbour Master's Office motor boat and police helicopters intercepted each of the tugboats separately and, through sound or optical signals, summoned them to stop. The border patrol boats circumnavigated each convoy and the helicopter surveyed the area. The tugboats did not submit and continued to sail upstream.

12. The Yugoslav ships Kaimakalan and Kumanovo were also intercepted by the border authorities and summoned to stop but they did not comply with the orders. Subsequently, another border authorities boat and a police helicopter summoned them, once more, to stop, but the ships ignored all signals and warnings and followed their route.

13. Likewise, the Yugoslav tugboat Velebit with 10 barges was intercepted and summoned to stop by a police helicopter and a border patrol boat, which circumnavigated the convoy. Momentarily, the Velebit convoy, coming within very close distance, jeopardized the border patrol boats.

14. While still in the harbour of Braila, the captains of the Yugoslav ships had threatened that if force was used against them they would either set the ships on fire or they would spill the entire oil cargo in the Danube. Spilling or setting the oil on fire would lead to a massive ecological disaster, which would seriously affect the ecosystem of the lower Danube, the Danube delta included. Moreover, as all major towns, harbours and settlements alongside the Danube use water from the river, it would mean that for approximately 10 per cent of Romania's population, the access to drinking water - and water in general - would be endangered. None of these settlements has the means to fight against pollution caused by oil products.

15. Along the Danube's Romanian-Bulgarian sector the actions meant to stop the Yugoslav convoys were taken in cooperation with the Bulgarian authorities. In these actions border patrol boats and helicopters were used as already mentioned. The Sanctions Assistance Mission, international observers coming from European Community and Conference on Security and Cooperation in Europe countries currently present in Romania and Bulgaria took part in some of the described actions.

16. The measures taken by the Romanian authorities were of a constraining nature. They went far beyond the river traffic surveillance means permitted by international rules. In this way the constraining steps were clearly within the framework of the pertinent Security Council resolutions concerning the use of force. These actions remained within the limits set by those United Nations Security Council resolutions for safeguarding human lives and avoiding excessive or irreparable damages to property.

17. On 26 January, the President of Romania examined the serious situation created in the Danube region, and the same situation was twice debated by the Government, on 27 and 29 January 1993. On 27 January, the Government issued a special statement in this respect.

18. Throughout this time the Romanian Government seized the Security Council of these developments - on 28 January a presidential statement was issued. Steps were also taken with regard to the Yugoslav authorities, which said they found it impossible to get in radio contact with the ships and had no means to influence the captains of the ships, one way or another.

19. Despite all measures taken by Romanian authorities the Yugoslav convoys continued the series of violations, ignoring warnings given insistently and repeatedly, exposing the border patrol boats, as well as other ships navigating on the Danube, to risky situations, and managed to arrive in the Yugoslav sector of the Danube (the last one arrived in the morning of 30 January).

20. Since the morning of 30 January 1993, in the Romanian sector of the Danube there was not a single convoy navigating under the Yugoslav flag. However, the Romanian authorities are informed that in the Ukrainian harbour of Reni there is a great number of tugboats and barges loaded with oil-products, and which may attempt at any moment to sail upstream, towards Yugoslavia. The Romanian Ministry of Foreign Affairs has asked the Foreign Ministry of Ukraine for an emergency meeting, in order to examine the situation.

## IV. FURTHER MEASURES AND ACTIONS

21. The Government of Romania will take further steps to ensure strict implementation of the United Nations Security Council embargo, and will resort to all necessary measures, including constraint, in compliance with the provisions of the pertinent Security Council resolutions.

22. Taking into account the fact that the violation on the Danube of the embargo starts outside Romania, the Romanian Government requests the Security Council to take firm action, beginning directly at the source, so as to prevent and stop the traffic towards Yugoslavia of oil-loaded barges moored, at present, in the harbours of Reni, Izmail or in other places.

23. In order to implement and expand the measures approved so far, the Romanian Government manifests its willingness and submits to the attention of the Security Council, that a United Nations presence be placed in the contact zone on the Danube, between Romania and Ukraine, since the ships violating the embargo came from that direction.

24. The Romanian Government reiterates the fact that it requested international assistance, i.e. fast motor boats and means of communication, necessary to intercept and summon ships that violate the embargo. Such international assistance has not yet been received. The five Yugoslav convoys looked like genuine floating fortresses, made of tugboats surrounded by quite a number of barges loaded with oil products. The Romanian Government requests technical assistance, in means and expertise, considering the fact that it is for the first time that Romanian specialists have to cope with this kind of situation.

25. Owing to possible collisions or some deliberate actions, one of the Government's main concerns is the maintaining of potential danger of oil pollution of the Danube waters (in several Romanian harbours, there are eight barges under the Yugoslav flag or other foreign flags, retained at present by legal authorities). Consequently, the Government requests humanitarian assistance to prevent pollution in emergency cases and to restore the environment and purify the water if the case should arise.

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